

**ZONING COMMISSION
PUBLIC HEARINGS
September 16, 2015**

Bill Stopper opened the Public Hearing with the following in attendance:

MEMBERS:

William Stopper, Chair
Sally Brouillet, Vice Chair
April Slauson, Secretary
Richard Cool - absent
Kathleen Donovan - arrived 6:16 p.m.
Matthew DeBarber - absent
Neil Mascola, Alternate - left 9:22 p.m.
Wendyann Fowler, Alternate

OTHERS:

Attorney Edward Fitzpatrick
Sue Goggin, Town Planner, ZEO, WEO
Lori Rotella, Assistant ZEO
Jim Stewart, Director of Public Works
Public - 15

6:15 P.M. CONTINUED PUBLIC HEARING: for proposed text amendments to allow for the creation of Prospect Street Design District and a zone change to the current zoning map for properties along Prospect Street, Applicant: Borough of Naugatuck. **No time restrictions because it is a Borough initiated zone change.**

Attorney Fitzpatrick informed the commission that this zone change was initiated by the staff. For this reason, there is no time limit to close the public hearing. April Slauson would like to know if Prospect Street School could get a variance. Susan Goggin explained it would need a zone change. The commission remarked they need to do more analysis on this due to the fact that the residents are not happy with the change.

Tabled until January 20, 2016 at 6:15 P.M.

6:30 P.M. PUBLIC HEARING- for special permit application for earth excavation/fill of more than 5,000 cubic yards of material at 1198, 1202 & 1204 New Haven Road; Applicant: HZM Petroleum Corp. **Public hearing opens 9/16/15; must close by 10/21/15; decision must be made by 12/25/15.**

William Stopper read into the record a petition strongly opposing the zoning proposal of HZM Petroleum for the gas station, convenience store and two additional stores located at 1198, 1202 and 1204 New Haven Road, Naugatuck. William also noted there were 894 signatures collected on the petition. He also indicated that the commission received 16 letters that appear to be in opposition of the HZM Petroleum Proposal as well and they are available at the Land Use office for future review. Neil Mascola recounted that the Inland Wetlands Commission approved the project and the Planning Commission sent a positive referral. Jesse Judson, Land Surveyor with Michael H Horbal, 52 South Main Street, Seymour CT summarized the need for the fill due to the topography of the site. Sally Brouillet had a concern with the number of trucks hauling in the fill and the hours of operation. Jesse explained that there will be approximately 275 trucks of fill being brought in and the work will be done during normal business hours from Monday through Friday. This will be a gradual process over approximately 4 months. Kathleen Donovan questioned the reason they are removing the trees. Jesse pointed out that it was only a couple of trees, which he believes are already removed. The purpose of this is to make

room for the building, driveway and parking lot. They will be replacing the trees according to the regulations and landscaping requirements. William Stopper asked for any public comment. Attorney Mark Branse representing Harrison Enterprises stated the comments relevant to this proposal also deal with the Public Hearing scheduled for 7:30 p.m. for the proposed construction of 7,500 square foot commercial building and gas station at 1198, 1202 & 1204 New Haven Road. Most of the comments deal with storm water management issues and storm water quality issues with the second public hearing, but there is overlap. Attorney Branse submitted two documents into the record and explained he will hold his testimony for the second public hearing. The two documents filed were a report from Trinkaus Engineering, LLC and a Notice of Intervention under CGS 22a-19(a). Attorney Branse went on further to explain the details of the intervention. William asked for clarification asking if the Intervention was for this application only or forever. It is for this proposal only. The purpose, according the attorney, is to heighten the commission's level of review of the proposal due to the environmental impacts that need to be reduced or eliminated by the applicant. Attorney Fitzpatrick clarified, for the commission, how this will proceed.

Public hearing continued until 10/21/2015 at 6:45 p.m.

6:45 P.M. PUBLIC HEARING for proposed hair salon and parking lot at 24 Golden Court & 451 North Main Street, Applicant: Vesel Nasufi. **Public hearing opened 9/16/15; must close by 10/21/15; decision must be made by 12/25/15.**

APPLICATION WITHDRAWN – William Stopper read Vesel Nasufi's letter to withdraw his application into the record.

7:00 P.M. CONTINUED PUBLIC HEARING- for special permit application for proposed auto park on Lots 18 & 30 Raytkwich Road, Applicant: A Better Way Auto, LLC. **Public hearing opened 8/19/2015; must close by 9/23/2015; decision must be made by 11/27/2015.**

Attorney Kevin McSherry, 38 Fairview Avenue, Naugatuck for applicant A Better Way Auto discussed the site walk details. He noted William Stopper and Kathleen Donovan were present for what he believed to be a productive property walk. As a result of the site walk, there were several suggested modifications to the plans. The changes included reducing the building to one story and removing parking in the top portion of the lot. They discussed the hours of operation would be from 9 a.m. – 7 p.m at the store. The property located at 49 Raytkwich Road, which is under contract by A Better Way, will serve as their repair facility. Also addressed were the neighbor's concerns with security. Attorney McSherry confirmed there will be 24 hour security on site. The light fixtures will be lowered from 20 feet down to 12 feet. Attorney McSherry spoke to some of the home owners after the site walk regarding adding some extra evergreen screening up on top of the hill. April Slauson noted for the record that she, Neil Mascola, Wendyann Fowler and Richard Cool all made it to the property prior to this meeting since they could not be present for the scheduled site walk. Mike Lambert, Civil Engineer with Harry E Cole and Son, 876 South Main Street, Plantsville went over in more detail what changes were made to the plans to accommodate the resident's concerns. The commissioners also had concerns with the type of trees that will be used for a barrier, the number of cars on the lot, if there is blasting, how will it affect the neighbor's wells, an outdoor speaker system and a gravel based vs paved parking lot in case there are leaks from the used cars. William asked for any public comments. Joseph Regan, 76 Jolie Road has a concern with

his well and would like to see the Fire Protection report. Susan Goggin explained they are still waiting for WPCA and Wetlands approvals. Fred Perugini, 47 Jolie Road concerned with the oil and water separators. He believes the parking lot should be paved. Nella Canale, 87 Jolie Road has a concern with security. Attorney McSherry explained that security is not done by camera but has an actual person there. William read into the record Attorney McSherry's request for a 36 day extension of the public hearing.

Extension granted by applicant - public hearing continued until 10/21/15 at 7:00 p.m.

Meeting recessed at 7:54 p.m.

Meeting resumed at 8:01 p.m.

7:15 P.M. CONTINUED PUBLIC HEARING- for special permit application for proposed construction of 17,100 square foot building at 1188 New Haven Road, Applicant: 1224 New Haven Road, LLC. **Public hearing opened 8/19/2015; must close by 9/23/2015; decision must be made by 11/27/2015.**

Attorney Kevin McSherry, 38 Fairview Avenue, Naugatuck for applicant 1224 New Haven Road, LLC. Kevin stated to the commission that they received approval from the Inland Wetlands Commission on September 2, 2015. All of the approvals are in the file. The applicant has provided Inland Wetlands all of their requests including a conservation easement. Kyle Bogardus, Langan Engineers summarized the changes made to the plans based on the other commission's comments. Kyle presented to the commission some samples of the materials being used to construct the new building. He also had a rendering of the building to show to the commission. William Stopper asked Susan Goggin if anything else was outstanding. Susan replied no. Kathleen Donovan questioned Kyle about sidewalks. Kyle explained they are not part of this plan but will be done when the former Planet Fitness building is renovated. There were no public comments. William Stopper closed the public hearing.

VOTED – Unanimously on a motion by Sally Brouillet to **APPROVE** a special permit application for proposed construction of 17,100 square foot building at 1188 New Haven Road, Applicant: 1224 New Haven Road, LLC with the following conditions:

1. Wording for a conservation easement and the form and content must be approved by the Borough Attorney.
2. Sidewalks will be put in within 18 months at 1188 & 1186 New Haven Road.
3. The building at 1186 New Haven Road will be painted.

7:30 P.M. CONTINUED PUBLIC HEARING- for special permit application for proposed construction of 7,500 square foot commercial building and gas station at 1198, 1202 & 1204 New Haven Road, Applicant: HZM Petroleum Corp. **Public hearing opened 8/19/2015; must close by 9/23/2015; decision must be made by 11/27/2015.**

Jesse Judson, Land Surveyor with Michael H. Horbal, 52 South Main Street, Seymour explained several small revisions based on comments from the Connecticut Department of Transportation (DOT). The easterly driveway will be an enter only and the westerly will be an exit only. Those small changes caused the underground storage tank to be relocated. DOT reviewed the revisions and had no further comments. Jesse also noted that HZM Petroleum has received a Wetlands approval and a positive referral from Planning. Also, the revised site plan has been submitted to this commission and to Wayne

Zirolli. The commission discussed some of their concerns with the revised plans. Kathleen has a concern with the landscaping. Kermit Hua, Traffic Engineer, touched on some of the key points from the last meeting. He provided an updated traffic report and emphasized there are no DOT comments remaining at this time. He reiterated, the main changes are the enter and exit only driveways which will help the traffic flow of the site. Kermit also went over the main points on the updated traffic report. Edward Leavy, Site Engineer reiterated that they met with Wayne Zirolli and they responded to all of Wayne's comments, have Inland Wetlands approval and a positive referral from the Planning Commission. William asked for any public comments. Maria James, 1207 New Haven Road, is concerned with the traffic on New Haven Road and with the number of gas stations and convenience stores already on New Haven Road. She believes it will breed crime. She is also concerned with the residents property values. William explained it is not Zoning allowing this but what is allowed in the zone. Todd DeChane is concerned with the heavy traffic and too many gas stations already on this road. He believes this is the wrong business to go in there. Attorney Mark Branse representing Harrison Enterprise requested the 16 letters from the public hearing for the earth excavation, the Notice of Intervention and the letter from Mr. Trinkaus be made part of this public hearing as well. Attorney Branse questioned Kermit Hua if his traffic projections were made based on a financial institution and not a restaurant or fast food establishment. Kermit stated since they do not know who the future tenant will be, he based his projections on a shopping center. The attorney questioned if there was a memo issued from the DOT. Jesse stated the DOT will be issuing a letter. Attorney Branse cited numerous discrepancies and the need for various improvements referred to in the report provided. Steven Trinkaus, Professional Engineer, 114 Hunters Ridge Road, Southbury went over in detail his report regarding Storm Water Quality and Storm Water Management. Ed Leavy did explain that he did supply Wayne with the 2, 5, 10, 25, 50 and 100 year storm system. The system was modified for the 100 year storm. Jesse explained that the parking for 16 cars was a DOT requirement. Susan Goggin explained the Wetlands Commission did not find this a significant activity. The closest wetlands are 160 feet away. They did have conditions from the Wetlands Commission to seek DOT approval to install silt sacks at a catch basin located in front of 1192 New Haven Road and the fill to be brought in be clean, uncontaminated fill. Attorney Branse states that our zoning regulations require the plan submitted to be in compliance with the Storm Water Quality Manual and Mr. Trinkaus's report states the plan is not in compliance. Attorney Branse listed several requirements not listed on the site plan. Susan wanted to note that we did received the lighting plan on September 14th. Seung H. Park, Architect for this project wanted to clear up the difference between an entrance and a door. He also pointed out how many doors are located on the building. He explained the rendering in the beginning stages. He also remarked on the signage and parking spaces and how each town's regulations are different. Jesse pointed out that if a restaurant were to go in down the road, they would have to come back before the commission with a site plan modification. Karen Buell, Business Manager for A Property Holdings for 1419 New Haven Road and 800 New Haven Road, Cross Pointe Plaza is concerned with the traffic and the environmental issues and possible contamination. She feels the proposed site should be tested. She does not believe New Haven Road needs another gas station and convenience store and is concerned about business. Steven Sharik, 1081 New Haven Road, Unit 13A also has a concern with the traffic and the day care center. He would like to have another business considered for that area. Also has a concern with the storm water going into the brook. Ed Leavy confirmed the storm water is not going into the brook. Julia Ashraf, 302 Maple Hill Road, owns a store on New Haven Road and is also concerned with the traffic and more tankers on this road. She feels all of the businesses

on New Haven Road will feel the effect. Charles Amrich, 34 Forest Street is also concerned with the traffic. He feels there are already too many gas stations. He also expressed his concern with the two retail spaces being built with no tenants in place and there is already empty buildings throughout town. Sally asked if the Borough of Naugatuck has the authority to restrict the number of gas stations. Attorney Fitzpatrick explained to the commission what their authority is and what they can approve based on what is permitted in a zone subject to the special permit. They do not have the authority to restrict the number of gas stations. William is concerned that the traffic studies that have been done do not give the true picture of the area. Attorney Fitzpatrick explained the different levels of service and went over the traffic study with the commission. He also reminded them that our regulations do allow this use. William read a letter from HZM Petroleum requesting the public hearing stay open for another 36 days. Kathleen requested the architectural plans for the next meeting.

Extension granted by applicant - public hearing continued until 10/21/15 at 7:15 p.m.

**NAUGATUCK ZONING COMMISSION
REGULAR MEETING
September 16, 2015**

William Stopper opened the meeting with the following in attendance:

MEMBERS:

William Stopper, Chair
Sally Brouillet, Vice Chair
April Slauson, Secretary
Kathy Donovan - 6:16 p.m.
Richard Cool
Matthew DeBarber - absent
Neil Mascola, Alternate – left 9:22 p.m.
Wendyann Fowler, Alternate

OTHERS:

Attorney Edward Fitzpatrick
Sue Goggin
Lori Rotella
Jim Stewart, Director of Public Works
Public - 20

1. At 6:08 p.m., Bill Stopper opened the meeting with the Pledge of Allegiance and then took attendance and noted there was a quorum.
2. Executive session with the Borough Attorney and the Zoning Commission.
There was no executive session.

There was none.

3. Approval of the August 19, 2015 Public Hearing and Meeting Minutes. The secretary will sign previously approved minutes as written.

The commission will approve the minutes from the August 19, 2015 meeting at next month's meeting.

4. OLD BUSINESS:

- A. Commission discussion/decision regarding proposed zone change from R-15 – B-1 for property located at 100 School Street, Applicant: Polish Falcons/Crystal Room

Susan Goggin made a chart comparing the allowed uses in the R-15, B-1 and B-2 zones. The commission discussed some of the businesses that could possibly be allowed in the current R-15 zone if the applicant goes out of business. Richard Cool also reminded the commission that any new business going in would have to submit a special permit. Attorney Fitzpatrick summarized the history of uses for this parcel. He explained to the commission they need to determine what zone most appropriately fits with the current use of business. He also stated the only way for the applicant to build their non-denominational chapel would be with a zone change. This would not be considered spot zoning because the parcel is over 11 acres. In order to create a PDD you are required to have a minimum of 20 acres.

VOTED: 4-1-0 on a motion by Richard Cool and seconded by Kathleen Donovan to **APPROVE** the proposed zone change from R-15 to B-1 for property located at 100 School Street, Applicant: Polish Falcons/Crystal Room

FOR

Richard Cool
Kathleen Donovan
Sally Brouillet
William Stopper

AGAINST

April Slauson

ABSTAIN

- B.** Commission discussion/decision for proposed text amendments to allow for the creation of Prospect Street Design District and a zone change to the current zoning map for properties along Prospect Street, Applicant: Borough of Naugatuck

There was no discussion.

- C.** Commission discussion/decision regarding the special permit application for proposed artist housing, retail and commercial uses at the former GDC building located at 6 Rubber Avenue and 0 Maple Street, Applicant: Borough of Naugatuck, Joseph Migani, Agent

Susan Goggin stated she received an email from Mr. Migani dated September 15, 2015 requesting an extension in making their decision. William Stopper read the email into the record. The commission has until 10/23/2015 to make a decision.

- D.** Commission discussion/decision regarding special permit application for proposed auto park on Lots 18 & 30 Raytkwich Road, Applicant: A Better Way Auto, LLC

There was no discussion.

- E.** Commission discussion/decision regarding special permit application for proposed construction of 17,100 square foot building at 1188 New Haven Road, Applicant: 1224 New Haven Road, LLC

There was no discussion.

- F.** Commission discussion/decision regarding special permit application for proposed construction of 7,500 square foot commercial building and gas station at 1198, 1202 & 1204 New Haven Road; Applicant: HZM Petroleum Corp.

There was no discussion.

- G.** Commission discussion/decision regarding interpretation of the term carport for permitting purposes.

There is no new information. Susan Goggin received some definitions from the Building Department. This will be continued until the October 21, 2015 meeting for further discussion.

5. NEW BUSINESS

- A. Commission discussion regarding request for extension to excavation and solar special permits for property at 280 Elm Street, Applicant: Chemtura
Public hearing is required.

William Stopper set the Public Hearing for October 21, 2015 at 6:15 P.M.

- B. Commission discussion regarding request for extension to special permit for wholesale auto sales for property at 38 Cherry Street, Applicant: 38 Cherry Street, LLC. **Public hearing is required.**

William Stopper set the Public Hearing for October 21, 2015 at 6:30 P.M.

- C. Commission discussion/decision regarding special permit for the addition of more than 5,000 cubic yards of material at 1198, 1202 & 1204 New Haven Road, Applicant: HZM Petroleum Corp.

There was no discussion.

- D. Commission discussion/decision regarding proposed renovation of existing garage into a hair salon at 24 Golden Court and 451 North Main Street, Applicant: Vesel Nasufi

There was no discussion.

- E. Accept application, refer to planning commission, set public hearing for proposed text amendments to Section 44 of the Naugatuck Zoning Regulations, Applicant: Borough of Naugatuck

Susan Goggin handed out to the commission a proposal drafted by Attorney Fitzpatrick for outdoor seasonal dining. She suggested that the commission read through the proposal and take a walk to look at the sidewalks in town. Attorney Fitzpatrick explained to the commission that the Borough Board will want to have Zoning adopt a regulation before they adopt and change an ordinance.

VOTED: Unanimously on a motion by Kathleen Donovan and seconded by April Slauson to accept the application, refer it to the planning commission and to set a Public Hearing for November 18, 2015 at 6:15 p.m.

- F. Commission discussion regarding blight.

Kathleen Donovan requested this item be put on the agenda. She noted that she understands that this commission does not have authority over blight. She pointed out to the commission, according to the Borough website, Ed Carter is the appointed Blight Officer. It also indicates to send all blight issues to him. No action is ever taken on the blight issues. Kathleen remarked that if there is a blight ordinance, it should be enforced. She received an email back from the appointed blight officer stating there is no paid position for a blight officer. Kathleen detailed several areas in town that need to be cleaned up. You cannot

walk on the sidewalks at Central Avenue. Jim Stewart will look into this. The town ordinances are not being carried out. Kathleen has expressed her disgust in the condition of these areas. If we are trying to attract new businesses to town, then the town needs to be cleaned up. Attorney Fitzpatrick explained the process of how the town is currently taking care of blight issues.

G. Additional items require a 2/3 vote of the Commission.

There were no additional items.

6. Chairman Report
There was none.

7. ZEO Report
There was none.

8. Public Comment
There was none.

9. Adjournment

VOTED: Unanimously on a motion by Kathleen Donovan and seconded by April Slauson to adjourn the meeting at 9:56 P.M.

RESPECTFULLY SUBMITTED:

April Slauson, Secretary/lr